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D-1112 R4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
Jeffery Enright	)	
	)	
Application No.: 09/991,748	)	Art Unit 3691
	)	
Confirmation No.: 7030	)	
	)	
Filed: November 23, 2001	)	Patent Examiner
	)	Frantzy Poinvil
	)	
Title: Automated Banking Machine	)	
System and Method	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION PURSUANT TO 37 C.F.R. § 1.132**

I, Patrick C. Green, hereby declare as follows:

11/23/2010 HMARZI1 00000081 090428 09991748

02 FC:1201 220.00 DA  
03 FC:1202 104.00 DA


1. I am a former employee of Diebold, Incorporated and/or InterBold, a wholly owned subsidiary of Diebold, Incorporated (collectively referred to hereafter as "Diebold"). I was employed by Diebold as an engineer and engineering manager in the development of automated banking machines (including ATMs) and associated hardware and software therefor. I retired from Diebold in 2007. I began working in the automated banking machine industry in approximately 1974. I am familiar with the aspects of automated banking machines with regard to their functionality, operation, output, user input, communication, programming, and applications.
2. It is my understanding that the present application was filed November 23, 2001 and claims priority to at least one earlier application, including U.S. provisional applications 60/253,221 filed November 27, 2000 and 60/103,731 filed October 9, 1998.
3. Based on my knowledge and experience, a person having ordinary skill in the art of cash dispensing banking machines at the time of November 27, 2000 (hereinafter a "person having ordinary skill in the art") would have had a four-year college degree in engineering, such as mechanical or electrical engineering, and would have had at least four years of experience in designing automated banking machines (or equivalent years of working experience in the design thereof).
4. I reviewed the disclosure of U.S. Patent 6,149,056 to Stinson. Stinson is directed to a paycheck cashing process which allows for multiple levels of data review before determining whether to approve or reject the cashing of a paycheck.

5. The person having ordinary skill in the art would have concluded that Stinson does *not* teach (any of) operating an automated banking to:

- receive at least one input from a user of the machine indicative that the user agrees that the user's electronic signature shall include data corresponding to at least one image of at least a portion of the user;
- receive at least one agreement input from a user of the machine indicating agreement from the user that an electronic signature of the user for purposes of providing legal effect to a document shall include data corresponding to at least one user input to the machine;
- cause at least one output device to ask a user of the machine if the user agrees that image data corresponding to at least one imaged portion of the user shall constitute an electronic signature of the user for purposes of signing a document, and
  - receive from the user at least one user input indicating agreement by the user that the image data shall constitute an electronic signature of the user for purposes of signing the document;
- receive agreement from a user of the machine that at least one image of the user constitutes a legally binding electronic signature of the user for purposes of processing a check, and
  - correlate the check with at least one user image as the electronic signature of the user for purposes of processing the check;

- produce at least one output requesting a user of the machine to authorize having user identity data serve as an electronic signature of the user, receive from the user via at least one user input to the machine, authorization to have user identity data serve as an electronic signature of the user, and link obtained user identity data to a document to which a signature of the user has legal significance, wherein the user identity data is linked so as to serve as the electronic signature of the user for the document; or
  - ask a user of the machine if the user agrees to having an electronic signature of the user include a visual representation of at least a portion of the user, receive from the user, agreement to having an electronic signature of the user include a visual representation of at least a portion of the user, obtain the visual representation, and cause the visual representation to be applied to a document in achieving legal effect to the document.
6. Furthermore, the person of ordinary skill in the art would consider Stinson to be inoperative and non-enabling with respect to the above-noted subject matter. The person of ordinary skill in the art could not make or use the above-noted subject matter from the teaching of Stinson. Nowhere does Stinson provide an enabling disclosure which would enable the person of ordinary skill in the art to produce the above-noted subject matter. Stinson does not teach to the person of ordinary skill in the art, an enabled form of what is specified in the above-noted subject matter.

7. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.

  
Patrick C. Green

November 19, 2010  
Date